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**ZAGORIN O'BRIEN GRAHAM LLP***Intellectual Property Attorneys*7600B N. CAPITAL OF TEXAS HWY, SUITE 350  
AUSTIN, TEXAS 78731**FACSIMILE TRANSMITTAL TO USPTO**

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<b>Date:</b> October 24, 2005	<b>Pages:</b> 16 (including this sheet)
<b>From:</b> Nicole Teitler Cave	<b>Senders Phone No.:</b> (512) 338-6300 <b>Senders Fax No.:</b> (512) 338-6301

**REGARDING:**

<b>Title:</b>	TONE DETECTOR WITH NOISE DETECTION AND DYNAMIC THRESHOLDING FOR ROBUST PERFORMANCE		
<b>Application No.:</b>	10/805,917	<b>Filed:</b>	March 22, 2004
<b>Examiner:</b>	Michael N. Opsasnick	<b>Group Art Unit:</b>	2655
<b>Atty. Docket No.:</b>	028-0124-1	<b>Confirmation No.:</b>	9692

**ATTACHED HERETO:**

- (1) Response to Non-Final Office Action (13 pages)
- (2) Transmittal Letter (2 pages)

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\_\_\_\_\_  
Nicole Teitler Cave\_\_\_\_\_  
Date

Respectfully submitted,

Nicole Teitler Cave, Reg. No. 54,021  
Attorney for Applicant(s)  
(512) 338-6315 (direct)  
(512) 338-6300 (main)  
(512) 338-6301 (fax)

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**ZAGORIN O'BRIEN GRAHAM LLP**7600B N. CAPITAL OF TEXAS HWY, SUITE 350  
AUSTIN, TEXAS 78731-1191

INTELLECTUAL PROPERTY ATTORNEYS

512-338-6300 (TEL)  
512-338-6301 (FAX)

INTERNET: www.ip-counsel.com

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Alexandria, VA 22313-1450**RECEIVED  
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Applicant: John G. Bartkowiak  
 Title: TONE DETECTOR WITH NOISE DETECTION AND DYNAMIC  
 THRESHOLDING FOR ROBUST PERFORMANCE  
 Application No.: 10/805,917 Filed: March 22, 2004  
 Examiner: Michael N. Opsasnick Group Art Unit: 2655  
 Atty. Docket No.: 028-0124-1 Conf. No.: 9692

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- ☒ Response to Non-Final Office Action (13 page(s))
- ☐ Petition for Extension of Time ( month) ( page(s))
- ☐ Information Disclosure Statement ( page(s)), including PTO/SB0/8A and/or  
PTO/SB/08B ( page(s)), and copies of reference(s)
- ☐ Other: ( page(s))
- ☐ Other: ( page(s))
- ☐ Other: ( page(s))
- ☒ Transmittal Letter (2 page(s));
- ☐ Return postcard;

The Total Fee has been calculated as shown below:

	Pending Claims	Claims Previously Paid	Extra Claims	Fees
Total Claims	31	- 31 =	0 x \$50.00 =	0.00
Independent Claims	4	- 4 =	0 x \$200.00 =	0.00
Multiple Dependent Claims (if any) - \$360.00 fee				
Additional Claims Fee				\$ .00
Fee For Extension Of Time				
Other Fees: ( )				
<b>TOTAL FEE DUE:</b>				<b>\$ .00</b>

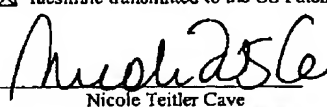
- ☐ Small entity status is entitled to be asserted for the application.
- ☐ A check is enclosed for the Total Fee shown above.
- ☐ Please charge the Total Fee shown above to Deposit Account 50-0631.
- ☒ The Commissioner is hereby authorized to charge any deficiency in fees and any additional fees under 37 C.F.R. § 1.16 or 1.17, that may be required during the pendency of this application, and to similarly credit any overpayment, to Deposit Account 50-0631.

ZAGORIN O'BRIEN GRAHAM LLP

October 24, 2005

RE: 10/805,917

Page 2 of 2

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Respectfully submitted,



Nicole Teitler Cave, Reg. No. 54,021

Attorney for Applicant(s)

(512) 338-6315 (direct)

(512) 338-6300 (main)

(512) 338-6301 (fax)

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October 24, 2005

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE AFTER FINAL REJECTION (37 C.F.R. § 1.116)**

This paper is being submitted following the Final Rejection mailed on August 22, 2005. Since the two month period from the final rejection falls on a Saturday, the time for replying within the two month period is extended until Monday, October 24, 2005. In light of the Remarks herein, further examination is requested.

Examiner Interview

Applicant appreciates the Examiner Interview granted on October 20, 2005 to the undersigned with Examiner Opsasnick and Examiner Chawan. Claim 11, U.S. Patent No. 5,774,849 to Benyassine, et al., and U.S. Patent No. 4,689,760 to Lee were discussed. In addition, the Examiner's failure to give appropriate patentable weight to the limitation in claim 11 that states that the at least one tone is based at least in part on at least the energy threshold, the noise indicator and the energy signal, where the at least one tone has a known frequency and duration, was discussed. No agreement was reached. The discussion of the Examiner Interview is consistent with the Remarks below.